

AFFIDAVIT OF DISCLAIMING TITLE

Gary D. Preszler, Commissioner, and **Dale L. Frink, State Engineer**, first duly sworn, swear upon penalty of perjury that the statements made in this affidavit are true.

1. I, Gary D. Preszler, am North Dakota's Commissioner of University and School Lands, which is entrusted with management responsibilities for oil, gas and related hydrocarbons in the sovereign lands of North Dakota.
2. I, Dale L. Frink, am North Dakota's State Engineer, which is entrusted with management of the State's possessory interests in sovereign lands, other than the oil, gas and related hydrocarbons in the sovereign lands.
3. At the time that North Dakota became a state, it acquired, under the Equal Footing Doctrine and Submerged Lands Act, sovereign lands from the federal government. Sovereign lands mean those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams.
4. The question of navigability of a lake or stream at the time of statehood is determinative of whether title to the lands underlying such waters was acquired by the state.
5. Chapter 61-33, North Dakota Century Code, grants the duty and power to the Board of University and School Lands and the State Engineer to make and execute all instruments of release and conveyance for the administration of sovereign lands.
6. The Board of University and School Lands and the State Engineer do not assert that the lands underlying the following waters, commonly known as **Martin Lake**, are sovereign, and hereby disclaim title and ownership to the lands underlying the lake, located on and in the following described property:

Burke County

Township 160 North, Range 90 West

Section 31: S2NE4, NE4SE4

Section 32: SW4NW4, SW4, W2SE4

7. The State of North Dakota further preserves any title and rights that it may claim as a riparian owner.

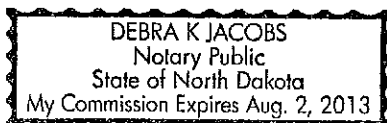
Dated this 21st day of August, 2009.

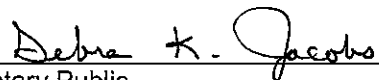


Gary D. Preszler, Commissioner
North Dakota Board of University and School Lands

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

On this 21st day of August, 2009, before me personally appeared Gary D. Preszler, Commissioner of the Board of University and School Lands of North Dakota, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.





Notary Public

AFFIDAVIT DISCLAIMING TITLE

Martin Lake

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Burke County, T160N, R90, Sections 31, 32

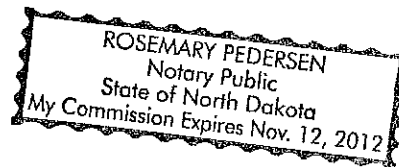
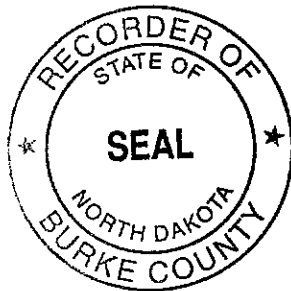
Dated this 14th day of September, 2009.

Dale L. Frink
Dale L. Frink, North Dakota State Engineer

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) ss

On this 14 day of September, 2009, before me personally appeared Dale L. Frink, North Dakota State Engineer, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.

Rosemary Pedersen
Notary Public



225428 \$13.00

STATE OF NORTH DAKOTA BURKE COUNTY
I hereby certify that this instrument was filed for record
on 9/25/2009 @ 3:04 PM

Bonnie Wagner, County Recorder

By Jaqueline A. Hobbs